

AMENDED

Serial No. 51810

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 29 1988

Returned to applicant for correction _____

Corrected application filed _____ Map filed FEB 08 1988 under 51464The applicant Newmont Exploration Ltd.

P.O. Box 368

Street and No. or P.O. Box No.

of

Elko

City or Town

Nevada 89801

State and Zip Code No.

_____ hereby make _____ application for permission to change the
point of diversion and place of use of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 46346

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is underground

Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 1.0 cfs

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for mining and milling

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for mining and milling

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point SE 1/4 NE 1/4 Section 9, T31N, R54E, MDM, at a

Describe as being within a 40-acre subdivision of public survey and by course and

point from which the NE corner of said Section 9 bears N30°53'21"E, 1,706.59'
distance to a section corner. If on unsurveyed land, it should be stated.6. The existing permitted point of diversion is located within SE 1/4 SE 1/4 Section 4, T31N, R54E,

If point of diversion is not changed, do not answer.

MDM, at a point from which the SE corner of said Section 4 bears S27°08'53"E,
556.05 feet.7. Proposed place of use E 1/2 Section 8, all of Sections 1, 2, 3, 10, 11, 12 & 14,

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

T31N, R53E, MDM; all of Sections 34 & 35, T32N, R53E, MDM; all of Section 31T32N, R54E, MDM; all of Sections 4, 5, 6, & 18, T31N, R54E, MDM.8. Existing place of use E 1/2 Section 8, all of Sections 1, 3, 10, 12, & 14, T31N,

Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

R53E, MDM; all of Sections 34 & 35, T32N, R53E, MDM; all of Section 31, T32N,

manner of use of irrigation permit, describe acreage to be removed from irrigation.

R54E, MDM; all of Section 4, 5, 6, & 18, T31N, R54E, MDM.9. Use will be from January 1 to December 31 of each year.

Month and Day

Month and Day

10. Use was permitted from January 1 to December 31 of each year.

Month and Day

Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) drilled and cased well equipped with motor,

State manner in which water is to be diverted, i.e. diversion structure, ditches,

pump and pipeline to place of use

pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$50,00013. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use..... 10 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The total combined duty shall not exceed 587.8 million gallons annually

By s/Michael D. Buschelman
5405 Mae Anne Avenue
Reno, NV 89523

Compared bk/bc jjk/bc

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 46346 is issued subject to the terms and conditions imposed in said Permit 46346, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

No perforations shall be put in the production casing from ground level to 100 feet.

The total combined duty of water under Permits 44052, 44056, 46346, 47341, 50078, 50079, 50080, 50243, 51464, 51809 and 51810 shall not exceed 587.8 million gallons annually, the total combined diversion rates of Permits 44052, 44056, 46346, 47341, 50078, 50079, 50080, 50243, 51464, 51809 and 51810 shall not exceed 6.0 cfs.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 235.906 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before OCTOBER 23, 1988

Proof of completion of work shall be filed before NOVEMBER 23, 1988

Application of water to beneficial use shall be made on or before OCTOBER 23, 1992

Proof of the application of water to beneficial use shall be filed on or before NOVEMBER 23, 1992

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed JAN 17 1990

IN TESTIMONY WHEREOF, I, PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 13th day of MAY

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

A.D. 1988

[Signature]
State Engineer

RECEIVED
DATE MAY 23 1988

Permit Terms Continued

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The permit is subject to the following conditions:

That the permittee

- 1) Develop a monitoring program within three months acceptable to the State Engineer both for surface water and groundwater monitoring,
- 2) Submit a report to the State Engineer on a monthly basis which contains all surface water and groundwater measurements and water use data from each well.

The State Engineer retains the right to impose further conditions as necessary upon review and evaluation of data submitted as a result of the monitoring program.

This permit will expire at the termination of the Rain Project but will not exceed eight years from the date of issuance of this permit.